

## Combined Declaration and Power of Attorney for Patent Application

Docket Number: **08010137US07**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled **METHOD OF DETERMINING THE PRESENCE OF A TRAIT IN A PLANT BY TRANSFECTING A NUCLEIC ACID SEQUENCE OF A NON-PLANT DONOR INTO A HOST PLANT IN A POSITIVE ORIENTATION**, the specification of which is attached hereto unless the following box is checked:

☒ was filed on July 21, 1999  
as United States Application Number or PCT International Application Number 09/359,300; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)			
Application No.	Country	(Day/Month/Year/Filed)	Priority Claimed
			Yes No
			Yes No
			Yes No
			Yes No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application No.	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Filing Date	(Status – patented, pending, abandoned)
09 232,170	January 15, 1999	Pending
09 008,186	January 16, 1998	Pending

I hereby appoint the following attorney(s) and or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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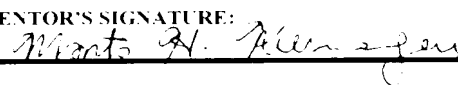

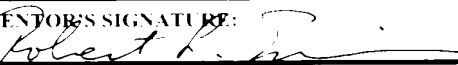
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>FULL NAME OF FIRST INVENTOR:</b> Monto H. Kumagai	<b>CITIZENSHIP:</b> U.S.A.
<b>RESIDENCE:</b> 809 Plum Lane, Davis, California 95616	<b>DATE:</b> October 12, 1999
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<b>FULL NAME OF SECOND INVENTOR:</b> Guy R. della-Cioppa	<b>CITIZENSHIP:</b> U.S.A.
<b>RESIDENCE:</b> 814 Derry Circle, Vacaville, California 95688	<b>DATE:</b> October 13, 1999
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<b>FULL NAME OF THIRD INVENTOR:</b> Robert L. Erwin	<b>CITIZENSHIP:</b> U.S.A.
<b>RESIDENCE:</b> 336 Summerfield Drive, Vacaville, California 95687	<b>DATE:</b> October 12, 1999
<b>POST OFFICE ADDRESS:</b> 336 Summerfield Drive, Vacaville, California 95687	<b>INVENTOR'S SIGNATURE:</b> 

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<b>FULL NAME OF FOURTH INVENTOR:</b> David R. McGee	<b>CITIZENSHIP:</b> U.S.A.
<b>RESIDENCE:</b> 1990 Marshall Road, Vacaville, California 95687	<b>DATE:</b> 10/18/99
<b>POST OFFICE ADDRESS:</b> 1990 Marshall Road, Vacaville, California 95687	<b>INVENTOR'S SIGNATURE:</b> 